

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**May 6, 2008**

**3:30 P.M. SCHEDULED SESSION**

**3:30 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Father John McArthur, from St. Louis. Catholic Church. Councilman Strickland presented Father McArthur with a certificate naming him Chaplain of the day.

**These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.**

34. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON MADISON AVENUE, BETWEEN REMBERT AND BARKSDALE STREETS IN HONOR OF THOMAS BOGGS.**

Held until May 20, 2008

35. **RESOLUTION THANKING KINGSBURY HIGH SCHOOL'S PEACE JAM COMMITTEE FOR EFFORTS TO PROMOTE PEACE. (HELD FROM 4/15)**

MOTION: Fullilove  
SECOND: Strickland

**APPROVED**, unanimous voice vote

36. **RESOLUTION HONORING MEMPHIS IN MAY INTERNATIONAL FESTIVAL 2008 AND TURKEY, THE COUNTRY OF HONOR.**

MOTION: Halbert

SECOND: Fullilove

**APPROVED**, unanimous voice vote

22. **RESOLUTION TO ALLOW PERSONS EMPLOYED WITH THE CITY'S DIVISION OF POLICE SERVICES, AFTER THE DATE OF THIS RESOLUTION, TO RESIDE WITHIN TWENTY (20) MILES OF THE COUNTY LINE OF SHELBY COUNTY, TENNESSEE.**

**(Special Item #1 - Councilman Hedgepeth made a motion to hold this case for (2) weeks. Councilwoman Ware made a motion to hold this case for (6) months. After a discussion of this item, Chairman McCormick made a ruling to hold this case for (2) weeks. Councilwoman Ware made a motion to override the Chairman's ruling and hold this case for 6 months. After more discussion of this item, Councilwoman Ware withdrew her motion to override the Chairman's ruling).**

Held until May 20, 2008

**CONSENT AGENDA – Items 1-9 may be acted upon by one motion: SEE PAGE 2498 FOR ROLL CALL**

1. **ORDINANCE TO AMEND CHAPTER 9, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO AMEND SECTION 9-56-11, PERTAINING TO AN INCREASE IN THE MONTHLY FEES CHARGED FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, UP FOR F I R S T READING.**

Ordinance No. 5261

**APPROVED**, on First reading

2. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2009 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5262

**APPROVED**, on First reading

3. **ORDINANCE FIXING THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2009, UP FOR F I R S T READING.**

Ordinance No. 5263

**APPROVED**, on First reading

4. **ORDINANCE AMENDING CHAPTER 5, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE AND AMEND REGULATIONS REGARDING ANIMALS AND FOWLS BY ADDING SECTIONS 5-41 THROUGH 5-44 ESTABLISHING AN ANIMAL SHELTER ADVISORY COMMITTEE, FOR THE PURPOSE OF ADVISING THE ANIMAL SHELTER ON MATTERS RELATED TO THE HUMANE OPERATION OF THE ANIMAL SHELTER, UP FOR S E C O N D READING.**

Ordinance No. 5260

**APPROVED**, on Second reading

5. **ORDINANCE REZONING THE WEST SIDE OF GETWELL ROAD; +805 FEET NORTH OF CROWFARN DRIVE, CONTAINING 2.26 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5259

Case No. Z 08-101

**APPROVED**, on Second reading

6. **RESOLUTION APPROVING FINAL PLAT OF MADEWELL ROAD DEDICATION.**

Case No. SD 07-701

Resolution approves the final plat located on Madewell Road, on the northside of Dellwood Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

7. **RESOLUTION ACCEPTING COUNTRYSIDE ACRES SUBDIVISION SECTION A, RESUBDIVISION OF LOTS 1-6 AND AUTHORIZING RELEASE OF BOND.**

Case No. S 96-035

(Contract No. CR-4833)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Christine Road, south of Christine Circle. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$57,600.00.

City Engineer recommends approval

**APPROVED**

8. **RESOLUTION ACCEPTING SHELBY WOODLANDS P.D., 2<sup>ND</sup> AMENDMENT, PHASE 7, PARCEL A, SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 01-334cc  
(Contract No. CR-4826)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Shelby Drive, west of Hacks Cross Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$61,000.00.

City Engineer recommends approval

**APPROVED**

9. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-368 - Memphis Theological Seminary P.D.
- C. Case No. PD 08-309cc – Big Creek Golf Course P.D.
- D. Case No. SAC 07-613 – Dudley Street Closure
- E. Case No. SAC 07-615 - Georgia Avenue Alley Closure
- F. Case No. SAC 07-616 – Dunlap Alley Street Closure
- G. Case No. SAC 07-617 – Leath Street Closure
- H. Case No. SAC 07-618 – Resources Drive Closure
- I. Case No. SUP 08-208
- J. Case No. SUP 08-209

Public Hearing Set for May 20, 2008

- B. Case No. PD 08-305 – Winchester Center P.D., 2<sup>nd</sup> Amendment

Public Hearing Held

**ROLL CALL CONSENT ITEMS**

MOTION: Ford  
SECOND: Morrison  
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland,  
Ware and Chairman McCormick  
Brown and Hedgepeth did not cast a vote

**APPROVED**

**MLGW FISCAL CONSENT – Items 10 - 17 may be acted upon by one motion:**

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10580, SERVICE AGREEMENT, WITH MOTOROLA, INC. IN THE FUNDED AMOUNT OF \$50,570.88. (THIS RENEWS THE CONTRACT FOR THE PERIOD MARCH 1, 2008 TO FEBRUARY 28, 2009.)**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10857, LNG PROPERTY/BOILER AND MACHINERY, WITH HILB, ROGAL & HOBBS IN THE FUNDED AMOUNT OF \$230,630.00. (THIS RENEWS THE POLICY FOR THE PERIOD JUNE 1, 2008 TO MAY 31, 2009.)**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10858, ALL RISK PROPERTY INSURANCE, WITH FACTORY MUTUAL INSURANCE IN THE FUNDED AMOUNT OF \$767,503.00. (THIS RENEWS THE POLICY FOR THE PERIOD JUNE 1, 2008 TO MAY 31, 2009.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10979, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES, IN THE FUNDED AMOUNT OF \$529,349.25. (THIS RENEWS THE CONTRACT FOR THE FOURTH RENEWAL TERM, JULY 1, 2008 TO JUNE 30, 2009.)**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11050, TAPE REPORTING TOOL, WITH TERACLOUD CORPORATION IN THE FUNDED AMOUNT OF \$35,796.00. (THIS CHANGES THE NAME FROM TERACLOUD CORPORATION TO ESTORIAN, INC. AND RENEWS ANNUAL MAINTENANCE FOR THE PERIOD NOVEMBER 1, 2008 TO OCTOBER 31, 2010.)**

**APPROVED**

15. **RESOLUTION AWARDDING CONTRACT FOR THREE-PHASE POWER SYSTEM SIMULATOR AND ACCESSORIES TO DOBLE ENGINEERING IN THE AMOUNT OF \$49,650.00.**

**APPROVED**

16. **RESOLUTION AWARDING CONTRACT FOR COMBUSTIBLE GAS INDICATORS TO TRI-STATE METER AND REGULATOR SERVICE, INC. IN THE AMOUNT OF \$136,000.00.**

**APPROVED**

17. **RESOLUTION AWARDING CONTRACT FOR TRUCKS, VANS AND SEDANS AS FOLLOWS:**

Gossett Motor Cars.....	\$370,036.30
Crossroads Ford.....	379,444.40
Golden Circle Ford.....	<u>364,948.00</u>
Total: \$1,114,428.70	

Held until May 20, 2008

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Lowery  
 SECOND: Flinn  
 AYES: Boyd, Collins, Flinn, Ford, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
 NAY: Fullilove  
 Brown, Halbert and Hedgepeth did not cast a vote

**APPROVED**

18. **ORDINANCE AMENDING PREVIOUS ORDINANCE 4388, CODIFIED AS CITY CODE, TITLE 6 CHAPTER 6-92, SECTION 6-92-1. ET SEQ., SO AS TO REVISE SECTION 6-92-11, SUBSECTION (A) TO ALLOW SAID TITLE 6, CHAPTER 6-92 TO REMAIN IN FULL AND EFFECT UNTIL SEPTEMBER 23, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5258

MOTION: Collins  
 SECOND: Ford  
 AYES: Collins, Flinn, Ford, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick  
 Boyd, Brown, Fullilove, Halbert and Morrison did not cast a vote

**APPROVED**

19. **RESOLUTION AMENDING THE FY 2008 FEDERAL OPERATING BUDGET BY APPROPRIATING \$309,379.52 IN REVENUES DERIVED FROM THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD.**

MOTION: Ford

SECOND: Ware  
AYES: Collins, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and  
Chairman McCormick  
Boyd, Brown, Fullilove and Halbert did not cast a vote

**APPROVED**

20. **RESOLUTION APPROVING THE ENERGY SMART MEMPHIS INITIATIVE, AN INITIATIVE BY MLGW IN CONJUNCTION WITH TVA TO HELP LOW-INCOME CUSTOMERS USE LESS ENERGY AND WATER BY PROVIDING EDUCATION AND WEATHERIZATION AND/OR HOME IMPROVEMENTS THAT SUPPLEMENT, NOT REPLACE, THE EXISTING SUCH PROGRAMS.**

MOTION: Ware  
SECOND: Morrison  
AYES: Collins, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and  
Chairman McCormick  
Boyd, Brown, Fullilove and Halbert did not cast a vote

**APPROVED**

33. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF EAST PARKWAY SOUTH AND WALKER AVENUE, CONTAINING 0.55 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT. (HELD FROM 4/1).**

Case No. SUP 08-203

Applicant: Edgar Flores  
Andre Williams - Representative

Request: Auto Sales and Mechanic Shop

LUCB and OPD recommendation: REJECTION

**(Councilman Hedgepeth offered a Friendly Amendment stating that in 4 months, the special use permit will expire and all of the conditions will have to be completed. On September 9, 2008, the Applicant will have to come back before the Council, to extend the special use permit. If the property is ever sold, the special use permit expires).**

**(Councilman Brown offered a Friendly Amendment requesting that the irrigation system be taken out of the conditions).**

MOTION: Lowery  
SECOND: Morrison  
AYES: Brown, Collins, Ford, Halbert, Hedgepeth, Morrison and Ware  
NAYS: Boyd, Flinn, Strickland and Chairman McCormick

Fullilove and Lowery did not cast a vote

**APPROVED**, as amended

21. **RESOLUTION APPROPRIATING \$756,000.00 FUNDED BY G.O. BONDS GENERAL FOR LOCKER ROOM IMPROVEMENTS AT THE LIBERTY BOWL, CIP PROJECT NUMBER PK10010.**

**(Special Item #2 – Councilman Hedgepeth made a motion to remove the \$125,000.00 for furniture and fixture and have the tenants pay it).**

MOTION: Hedgepeth  
SECOND: Strickland  
AYES: Hedgepeth, Strickland and Chairman McCormick  
NAYS: Boyd, Brown, Collins, Ford, Lowery, Morrison and Ware  
Flinn recused  
Fullilove and Halbert did not cast a vote

**(Special Item #2 – FAILED)**

MAIN MOTION: Strickland  
SECOND: Lowery  
AYES: Boyd, Brown, Collins, Ford, Hedgepeth, Lowery, Morrison and Ware  
NAYS: Strickland and Chairman McCormick  
Flinn recused  
Fullilove and Halbert did not cast a vote

**APPROVED**

23. **RESOLUTION APPROPRIATING \$516,258.00 FUNDED BY G.O. BONDS – GENERAL FOR NORTHRIDGE, PROJECT NUMBER PW01180 FOR THE WIDENING OF THE STREET AT NEW FRAYSER BOULEVARD.**

Director of Public Works and City Engineer recommends approval

MOTION: Morrison  
SECOND: Ford  
AYES: Boyd, Collins, Flinn, Ford, Lowery, Morrison, Ware and Chairman McCormick  
Brown, Fullilove, Halbert, Hedgepeth and Strickland did not cast a vote

**APPROVED**

24. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$99,452.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM DRAINAGE – ST, PROJECT NUMBER ST03006 TO PEABODY ELEMENTARY SCHOOL DETENTION, PROJECT NUMBER ST03100.**

**RESOLUTION ALSO APPROPRIATES \$99,452.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) IN PEABODY ELEMENTARY SCHOOL DETENTION, PROJECT NUMBER ST03100 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

MOTION: Morrison  
SECOND: Boyd  
AYES: Boyd, Brown, Collins, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Flinn, Fullilove and Halbert did not cast a vote

**APPROVED**

25. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$194,915.00 FUNDED BY G.O. BONDS FROM ADA CURB RAMP, PROJECT NUMBER PW04007 TO ADA CURB RAMPS GROUP 35, PROJECT NUMBER PW04063 TO INSTALL HANDICAP RAMPS. RESOLUTION ALSO APPROPRIATES \$194,915.00 FUNDED BY G.O. BONDS FOR ADA CURB RAMPS GROUP 35, PROJECT NUMBER PW04063 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC TO INSTALL HANDICAP RAMPS.**

Director of Public Works and City Engineer recommends approval

MOTION: Morrison  
SECOND: Ford  
AYES: Boyd, Brown, Collins, Flinn, Ford, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Fullilove, Halbert and Hedgepeth did not cast a vote

**APPROVED**

26. **RESOLUTION TO APPLY FOR GRANT FUNDS IN THE AMOUNT OF \$678,000.00 FROM THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR THE FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM (FIDP) ON BEHALF OF RIVIANA FOODS, INC. APPLICATION FOR FIDP FUNDS ARE BEING MADE FOR THE DESIGN AND CONSTRUCTION OF RAILROAD TRACKS TO SUPPORT THE NEW MANUFACTURING AND DISTRIBUTION FACILITY OF RIVIANA FOODS IN THE MEMPHIS RENEWAL COMMUNITY.**

MOTION: Morrison  
SECOND: Boyd  
AYES: Boyd, Brown, Collins, Ford, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Flinn, Fullilove, Halbert and Hedgepeth

**APPROVED**

27. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF TCHULAHOMA ROAD AND CHRISTINE ROAD, CONTAINING 6.03 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8[AHZ]) DISTRICT, WITH AIRPORT HORIZONTAL ZONE OVERLAY.**

Case No. SUP 08-210

Applicant: Tower Ventures V, LLC

Request: Cell Tower (160 ft. monopole, with flush-mounted CMCS antennae)

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Boyd

AYES: Boyd, Brown, Collins, Ford, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick  
Flinn, Fullilove, Halbert and Morrison did not cast a vote

**APPROVED**

28. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF CRUMP ROAD, OPPOSITE THE INTERSECTION OF RUNNINGBROOK CIRCLE, CONTAINING 8.02 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 08-212

Applicant: Tower Ventures V, LLC

Request: Cell Tower (160 ft. monopole with flush-mounted CMCS antennae)

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Ford, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick  
Flinn recused  
Fullilove, Halbert and Morrison did not cast a vote

**APPROVED**

29. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF FINLEY ROAD; 250-696 FEET EAST OF ELVIS PRESLEY BOULEVARD, CONTAINING 5.36 ACRES IN THE LOCAL COMMERCIAL (C-L) AND SINGLE FAMILY RESIDENTIAL (RS-10) DISTRICTS.**

Case No. UV 08-02

Applicant: Bernice Randolph

Request: Use Variation for a mixed use to include medical offices in addition to church use

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Ford

AYES: Boyd, Brown, Flinn, Ford, Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick  
Collins, Fullilove, Halbert and Strickland did not cast a vote

**APPROVED**

30. **RESOLUTION APPROVING A HOTEL WAIVER FOR THE BUDGET LODGE LOCATED AT 1533 BROOKS ROAD.**

Chairman McCormick recognized the following person who spoke from the audience:  
Perry Samuelson

MOTION: Lowery

SECOND: Morrison

NAYS: Boyd, Collins, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick  
Brown, Fullilove and Halbert did not cast a vote

**FAILED**

31. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF STATELINE ROAD AND AIRWAYS BOULEVARD, CONTAINING 48.181 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) & MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICTS. (HELD FROM 4/15)**

Case No. PD 07-332

Applicant: William H. Thomas, Jr.  
Fisher & Arnold, Inc. – Jud TePaske – Representative

Request: Planned development to permit industrial warehouse uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
SECOND: Morrison  
AYES: Lowery and Ware  
NAYS: Boyd, Flinn, Ford, Hedgepeth, Morrison, Strickland and Chairman McCormick  
Brown, Collins, Fullilove and Halbert did not cast a vote

**FAILED**

32. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF N. WATKINS STREET AND N. THOMAS STREET (U.S. HWY 51) CONTAINING 4.14 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. PD 08-308

Held until July 1, 2008

**MINUTES**

Approval of the Minutes of the regular meeting of April 15, 2008 with the following motion:

MOTION: Strickland  
SECOND: Ford  
AYES: Boyd, Collins, Flinn, Ford, Strickland, Ware and Chairman McCormick  
Brown, Fullilove, Halbert, Hedgepeth, Lowery and Morrison did not cast a vote

**APPROVED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman McCormick recognized the following people who spoke from the audience:  
Walter Broady, 4256 Ledbetter Cove, Mphs, TN 38109

**ADJOURNED MEETING AT 6:40 P.M.**

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

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C H A I R M A N

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records